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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,330	04/16/2004	Michael Movalli	6555-0001-01	7897
22852	7590	11/03/2005	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			WINTER, JOHN M	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/825,330	<b>Applicant(s)</b> MOVALLI ET AL.	
	<b>Examiner</b> John M. Winter	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 32-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32, 37-40, 45-48 and 53- 56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

Claims 32-56 remain pending.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

#### *Response to Arguments*

The Applicants arguments filed on August 18, 2005 have been fully considered.

The Applicant states that the Pare Jr. et al reference fails to disclose the claimed feature of "an encoder that generates a unique code"

The examiner submits that this feature is disclosed by Pare Jr. et al as cited Column 23, lines 60-67, column 24, lines 1-17, the biometric PIN uniquely identifies a customer, the transaction sent to the DPC includes both transaction information and the biometric PIN, thusly meeting the limitation of "generating a unique code."

The Applicant states that the claims of the present invention are directed towards a different purpose and are not obvious in view of the prior art.

Examiner responds that as per *Ex parte Clapp*, 227 USPQ 972 (Bd Pat App & Int) "To support conclusion that claimed combination is directed to obvious subject matter, the references must either expressly or impliedly suggest claimed combination or the examiner must present a convincing line of reasoning as to why artisan would have found claimed invention to have been obvious in light of the references teachings.", the Examiner states the reference deals with the generalized problem of conducting secure electronic commerce and therefore would be obvious to a person of ordinary skill in the art.

See following rejection

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 32, 37-40, 45-48 and 53- 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pare Jr. et al. (US Patent 5,870,723) in view of Griffith et al (US Patent No 4,825,050).

As per claim 32

Pare Jr. et al. ('723) discloses a secure endorsed transaction system, comprising an encoder that generates a unique code from input data comprising transaction data and a human identifier that uniquely identifies a human being, (Column 23 lines 60-67, Column 24, lines 1-17 [The BIA sends transaction information with a biometric PIN code])

a formatter that formats a secure endorsed transaction using the digital signature and the input data, and a verifier that verifies integrity of the secure endorsed transaction by, as a function of the secure endorsed transaction, comparing a stored unique code derived by decrypting the digital signature using the second key with a computed unique code derived from the human identifier and the transaction data. (Column 23 lines 60-67, Column 24, lines 1-17 [The BIA sends transaction information with a biometric PIN code, used to verify the transaction ], also Figure 11 )

Pare Jr. et al. ('723) does not explicitly disclose a digital signature processor that generates a digital signature by encrypting the unique code using a first key of an asymmetrical key pair that includes the first key and a corresponding second key

Griffith et al ('050) discloses a digital signature processor that generates a digital signature by encrypting the unique code using a first key of an asymmetrical key pair that includes the first key and a corresponding second key. (Figure 1[first encoder , second encoder etc..]) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Pare Jr. et al. ('723) method with the Griffith et al ('050) method in order to promote data security.

Claims 40 and 48 are in parallel with claim 32 and are rejected for at least the same reasons.

As per claim 37,

Pare Jr et al discloses the system of claim 32, further comprising:  
a biometric input device for receiving signals representing the human identifier that uniquely identifies a human being.(Column 9 lines 62-65)

Claims 45 and 53 are in parallel with claim 37 and are rejected for at least the same reasons.

As per claim 38,

Pare Jr et al discloses the system of claim 32, further comprising:  
means for receiving at least one of the first key and the second key.(Figure 4)

Claims 46 and 54 are in parallel with claim 38 and are rejected for at least the same reasons.

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As per claim 39,  
Pare Jr et al discloses the system of claim 38,  
wherein the second key is received from a source external to the system.(Figure 4)

Claims 47 and 55 are in parallel with claim 38 and are rejected for at least the same reasons.

As per claim 56,  
Pare Jr et al discloses the system of claim 55,  
wherein the second key is used by the verifying means to derive the computed unique code.(Figure 4)

***Allowable Subject Matter***

Claims 33 -36, 41-44 and 49-52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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### ***Conclusion***

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to John Winter whose telephone number is (571) 272-6713. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

or faxed to:

**(571) 273-8300** Official communications; including After Final communications labeled "Box AF"]

Hand delivered responses should be brought to the Examiner in the Knox Building, 50 Dulany St. Alexandria, VA.

JMW  
October 30, 2005

  
**JAMES P. TRAMMELL**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3300**